

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EUGENE S. EVANS,	)	
	)	Civil Action No. 04 - 1866
Plaintiff,	)	
	)	Judge Terrence F. McVerry
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on December 10, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 13), filed on July 29, 2005, recommended that the Plaintiff's Motion for Summary Judgment (Doc. No. 8) be denied, that the Defendant's Motion for Summary Judgment (Doc. No. 10) be granted, and that the decision of the Commissioner of Social Security to deny Plaintiff's application for benefits and supplemental security income be affirmed. Service was made on all counsel of record. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Plaintiff filed Objections to the Report and Recommendation of the magistrate judge on

August 10, 2005 (Doc. No. 14). Defendant filed a Response to Plaintiff's Objections on August 18, 2005 (Doc. No. 15).

After review of the pleadings and the documents in the case, together with the report and recommendation, objections thereto and response to the objections, the following order is entered:

**AND NOW**, this 24th day of August, 2005,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment (Doc. No. 10) is **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security to deny Plaintiff's application for benefits and supplement security income is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 13) of Magistrate Judge Lenihan, dated July 29, 2005, is adopted as the opinion of the court.

s/ Judge Terrence F. McVerry  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

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